

United States District Court
Middle District of Florida
Jacksonville Division

DAVID SERRANO,

Plaintiff,

v.

NO. 3:22-cv-386-TJC-PDB

GAREY WOODS,

Defendant.

Order

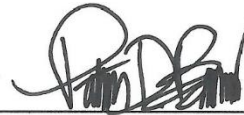
David Serrano sues Garey Woods for alleged negligence. Doc. 6. Lacy Harwell, Jr., an Assistant United States Attorney and Chief of the Civil Division of the United States Attorney's Office for the Middle District of Florida, certifies that Mr. Woods "was acting within the scope of his office or employment as an employee of the United States of America at the time of the incident out of which [the] Complaint arises." Doc. 2-1. Based on that certification, the United States moves to substitute itself as defendant. Doc. 8. Mr. Serrano has no objection. Doc. 8 at 5.

"When a federal employee is sued for a wrongful or negligent act, the Federal Employees Liability Reform and Tort Compensation Act of 1988 (commonly known as the Westfall Act) empowers the Attorney General to certify that the employee 'was acting within the scope of his office or employment at the time of the incident out of which the claim arose[.]'" *Gutierrez de Martinez v. Lamagno*, 515 U.S. 417, 419–20 (1995) (quoting 28 U.S.C. § 2679(d)(1)). "Upon certification, the employee is dismissed from the

action[,] the United States is substituted as defendant,” and “the case then falls under the governance of the Federal Tort Claims Act[.]” *Id.* at 420. The United States Attorney for the district where the civil action is brought can make the certification. 28 C.F.R. § 15.4(a). United States Attorneys, in turn, have authorized their designated civil chiefs or first assistants to make the certification. U.S. Dep’t of Justice, Justice Manual, § 4-5.630 (2018).

Considering Mr. Harwell’s certification and the absence of opposition, the Court **grants** the motion. Doc. 8. The United States of America is substituted for Garey Woods as the defendant in this action. The Court **directs** the clerk to amend the docket accordingly.

Ordered in Jacksonville, Florida, on April 13, 2022.



PATRICIA D. BARKSDALE
United States Magistrate Judge